IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION.
NOTICE OF MOTION NO. 667 OF 2003.
IN
INCOME TAX APPEAL NO. 233 OF 2002.

The Commissioner of Income-tax,
Central-II. .... Appellant.
V/s.
M/s D.K. Enterprises. .... Respondents.

Mr. Shiv Motariya for the petitioner.

Mr. J.D. Mistry i/b Atul Jasani for the respondents.

CORAM : V.C.DAGA & J,P.DEVADHAR,JJ.

DATED : 13.6 .2006.

P.C. :

. Heard.

. Motion is allowed. Delay in taking out motion is condoned and appeal is restored to file subject to payment of costs quantified in the sum of Rs.5,000/- (five thousand) to be paid to Original Side Bar Library. Payment of costs shall be condition precedent. The amount of costs shall be recovered from the Officer who has committed lapses and allowed the appeal to be dismissed.

. The department is expected to inform this Court within 4 weeks as to whether amount of costs has been recovered or not.